



Tribal/State Transportation 2004 Conference Report

Reaching New Plateaus

October 13-14, 2004

DoubleTree Hotel, Spokane City Center
Spokane, Washington

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We are working together in all things; We are thinking alike; We are pooling our resources



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Summary

The 2004 Tribal/State Transportation Conference was held at the Doubletree Hotel in Spokane Washington. To celebrate and acknowledge Native American Heritage Month and our presence in the upper plateau, we published a poster to promote tribes and transportation featuring artwork from renowned Spokane artist, George Flett. Spokane Tribal Elder, Pauline Flett entertained our group with her coyote stories, and Iron Spirit, a Spokane family drum group, provided beautiful and lively music.

The conference a success by many standards: over 170 people attended, representing 21 tribes from Washington State, two from Oregon, and two from Idaho this year!

Chehalis	Nez Perce	Spokane
Coeur d'Alene	Nisqually	Squaxin
Colville	Nooksack	Swinomish
Jamestown S'Klallam	Port Gamble S'Klallam	Tulalip
Kalispel	Puyallup	Umatilla
Lower Elwha Klallam	Quileute	Yakama Nation
Lummi	Quinault	Warm Springs
Makah	Skokomish	
Muckleshoot	Snoqualmie	

Other participants represented Congressman Nethercutt, Bureau of Indian Affairs, Federal Highways Administration, Washington State Transportation Commission, Washington State Department of Transportation, Washington State Ferries, Department of Community, Trade and Development, Department of Labor and Industries, Department of Licensing, Department of Natural Resources, Office of Minority and Women Business Enterprises, Eastern Washington University, Northwest and Alaska TTAP, Pacific N.W. Carpenters, Paratransit, Regional Transportation Planning Organizations, Native American Bank, and the many in the construction industry.

In addition to a job fair, the Conference offered a number of training opportunities: Tribal Employment Rights Ordinances – TERO; Introduction to the Manual of Uniform Traffic Control Devices (MUTCD); How to input a Tribal Transportation Improvement Program (TIP) into the State TIP; and, a special course by the Colville Tribal Historic Preservation Office: Traditional Cultural Properties-How Come? They were all well attended and will improve both technical skills and general understanding in each of the areas.

Senator Patty Murray joined us at the reception to collect her Traveling Coyote Award and to let us know what is happening in D.C. on the federal reauthorization of the transportation legislation. She shares the Coyote Award with other illustrious leaders who have been making big changes in our tribal transportation world: Johnson Bastian from Quinault and Bonnie Blake from WSDOT's Office of Equal Opportunity for their spectacular work in promoting TERO; and, Blanchard Matte from Makah and Don Clotfelter from WSDOT's Maintenance Office out of Port Angeles for their leadership in several areas that result in good roads and excellent tribal/state relations.



This was a working conference (as usual!), in which all conference participants played a very active role. It was organized into three tracks:

1. **Environmental Consultation** – taking a look at tribal consultation in natural and cultural resources across the life of a project. This was the second year we were able to bring many key tribal participants to the table. We learned that it was very difficult to address both the natural and cultural resource issues in one session. This group is working on developing Programmatic Agreements between specific tribes and the WSDOT regional offices through a grant from the Federal Highway Administration.
2. **Planning and Workforce Development** – these people are creating a huge following, they meet every month throughout the year. They definitely had the most fun! Their track included inspiring success stories of people who are creating careers in transportation. When the facilitator, Margarita Mendoza de Sugiyama, emerged from their session to report to the general assembly she literally burst from the room, arms outstretched, and exclaimed, “wow!”
3. **Transportation Planning** – the newly formed Tribal Transportation Planning Organization, TTPO, wrangled the planning session. They now have a fully-fledged group, with Mary Beth Clark, Colville, and Kirk Vinish, Lummi, as Chair and Vice Chair. Their 132-question survey is included as an appendix to this report. They have some ambitious plans for 2005: a roads inventory project to start to fill the data gaps that became immediately obvious in conducting the initial survey, and they are taking a run at garnering support to address critical needs in administrative capacity in the planning departments at the tribal offices. This is all critical to the Washington State Transportation Plan and to tribal/state/local cooperation efforts.

Each track was filled to capacity and well balanced between tribal, state and other agency participants. This was largely due to increased financial support for tribal staff to attend. The strategy of funding tribal planners through the TTPO and Tribal Historic Preservation Officers (through the project grant from FHWA) helped to bring those voices to the tables. The following track reports include summaries, action items and discussion notes from each of the break out sessions. They all absolutely insist that this conference must continue on an annual basis. The WSDOT Tribal Liaison Office is assertively begging for volunteers starting now. The next event will be at the Squaxin Island Tribe's Little Creek Hotel at Kamilche, next October.





Planning Track

For more information or questions, please contact:

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Summary and Action Items

Gas Tax Distribution to Tribal Governments

- Invite an IRS representative to next Tribal Transportation Planning Organization (TTPO) meeting to discuss the refund process of federal gas tax on the tribe-owned vehicles.
- Begin research of other states regarding their distribution of gas taxes to Tribal governments (Jeff Beach, DOL, and Richard Rolland, TTAP).



State Transportation Improvement Program (STIP)

- TTPO Chair will formally request Highways and Local Programs (Dave Zevenbergen) to assist Tribal planners in submitting projects directly into the STIP.
- Work to develop a method to incorporate TIP information into the BIA reporting process and into the STIP (Dave Zevenbergen and Joe Bonga). The group felt that this issue should continue to be on future TTPO agendas until a solution had been developed.

Tribal Participation in Regional Transportation Planning Organizations (RTPO)

- WSDOT Regional Coordination branch will survey the RTPOs and determine:
(1) What requirements there are for Tribal membership; (2) The Tribal membership on the TAC and/or Executive Board; (3) How many Tribes participate in the RTPO planning process.

TTPO Funding

- Much discussion centered on securing stable funding for the TTPO. Suggestions that have surfaced included having those tribes that receive gas tax refunds donate \$3,000/year to support the TTPO, have WSDOT seek funds to match Tribal contributions and, seek other funding (federal grants) to support the TTPO.

Track Discussion Notes:

Issue Identification

At the beginning of our meeting our facilitator, Professor Dick Winchell PhD. AICP asked those in attendance to state what issues were important to them. The issues identified fell into four categories: Working Relationships, Funding, Planning, and Program Capacity for Tribes and Safety. The purpose of completing this exercise was to ensure that these topics were included in the agenda.

The Agenda included the following:

- Election of Chair and Vice Chair. This meeting was the fourth meeting of the TTPO. The Bylaws that were drafted at the previous TTPO meeting stated that a chair and vice chair needed to be elected. Each position has a term of two years and the vice chair assumes the chair after two years.
- Mary Beth Clark, Planning Manager of the Confederated Tribes of the Colville Reservation was elected Chair and Kirk Vinish, Planning Manager of the Lummi Nation was elected Vice Chair.

After the election, the Bylaws were formally adopted by the TTPO with one amendment.

It was agreed that the TTPO would be the "Official" Planning Committee of the Tribal/State meeting. The next TTPO meeting will be held on January 19, 2005 at the Jamestown S'Klallam Meeting Facilities in Sequim, WA. A draft agenda and lodging information will be forwarded to the TTPO.

- Federal Perspective – Robin Mayhew from the FHWA Headquarter's Office gave a presentation on the federal perspective of coordination and cooperation requirements that are necessary for state's to employ when working with Tribal governments.
- STIP/TIP Standard Model – Ed Binder, Senior Planner for the Skokomish Tribe introduced the need for coordinating BIA and state reporting functions, Tribal TIPs and the STIP (see Action Items above).
- Fuel Tax Refunds – Jeff Beach from the Department of Licensing reported that there are 13 Tribes that have fuel tax agreements with the state. Those Tribes that have compacts, account for 85% of the Tribal population in Washington State. Jeff identified those tribes that have compacts. He also indicated that Tribal governments are eligible to have their federal gas tax refunded for tribal vehicles used for tribal business. It is the desire of the TTPO to invite an IRS official to our January TTPO meeting to explain the details of the program.
- Pending TEA-21 Reauthorization – Richard Rolland, Director of the Northwest Tribal LTAP gave an update on where the Reauthorization of TEA-21 was in Congress. Since Reauthorization has not occurred, both houses agreed on a 8-month extension to TEA-21. Richard will give an update at the January 19, 2005 TTPO meeting.
- Indian Reservation Rules (IRR) – David Frey gave a brief presentation on the new rules regulating IRR.
- Safety Chapter in Tribal Transportation Plans – Dick Winchell spoke on the need for Tribal governments to include a chapter on safety in their Tribal Transportation Plans. He indicated that he and the Northwest Tribal LTAP would be developing training material for future workshops.





Environmental Consultation Track

For more information or questions please contact:
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Summary and Action Items

- WSDOT has a good Tribal Consultation Policy and is currently developing consultation procedures. WSDOT representatives will make site visits to each tribe.
- Each Tribe must be consulted individually due to different perspectives and different needs.
- WSDOT needs to recognize Tribal expertise in cultural and natural resources and should strive to contract with tribes on projects.
- The Tribal/State Transportation Conference should continue to be held annually.
- Tribes would like salmon restoration to be a goal for project mitigation.



Track Discussion Notes

TPEAC – Transportation Permit Efficiency and Project Accountability

- Presentation from Barb Aberle, WSDOT TPEAC.
- TPEAC is:
 - A Committee made up of legislators, tribes, business people, etc.
 - Provides funding for Tribal participation.
 - Provides funding for staff within WSDOT.
 - A process that avoids redesign.
 - Broken into subcommittees that are focused on routine, programmatic actions, based on problem-solving, originally derived from permit streamline legislation.
- TPEAC's Focus: To make the transportation permit process more efficient through:
 - Saving money increasing environmental protection, making the permit process better, *not* necessarily faster, and enhancing communication.
- Tribal Consultation Goals:
 - Involve Tribes as early as possible (the earlier the better!) and formalize the consultation process.
- The Tulalip Tribes have received \$50k from TPEAC to develop a Tribal Consultation Process for NEPA. This will be a model with broader application for other Tribes.
- The Tribes are in a position where they are looking and waiting to see TPEAC's results. Tribal needs are just now being recognized.

- Tribes want to see Tribal consultation in the “design stage,” or earlier *locally* and *frequently* (permit stage is too late).
- There is a concern that TPEAC will contain loopholes that can be abused.
- Each Tribe must be consulted individually due to a different perspectives and different needs.
- Salmon Recovery is a main interest of the Tribes. The Tribes and the state have two different goals: WSDOT goal is to avoid more loss of habitat. The Tribes’ goal goes beyond “no further loss of habitat” and in the interest of Salmon Recovery urge WSDOT to partner with the Tribes in their goal by replacing or fixing salmon habitat damaged by past WSDOT projects.
- Identify mitigation opportunities off-project site where mitigation will be of more benefit to the habitat and less expensive to the project.
- The partnership between NW Indian Fisheries and WSDOT is viewed as “encouraging.”
- Peer-to-Peer Meetings have been successful in establishing contacts.
- Each Tribe in Washington is sovereign and has a unique viewpoint, and it is therefore necessary WSDOT visit each Tribe individually.
- To include Tribal views in state policy WSDOT must get *all* Tribal perspectives, which requires going to the reservations.
- Criticism: There is a feeling that TPEAC is not Tribal. There needs to be Tribal input in TPEAC regulations. There is a concern that Tribal involvement in the development process does not always obtain result in the interest of the Tribes.
- There is no reference to Tribes, not even in the title.
- There is a need for common language and common understanding between the Tribes and the state. Where is the leverage behind TPEAC?
- TPEAC’s leverage: The lessons from TPEAC will be applied to Legislation.
- It establishes accountability in a broad way.
- The Legislature has provided funding and therefore provided a means for people to come together to create a process.
- TPEAC is one avenue; it is not the only place for improvement.
- “Streamlining” implies making the process faster. Traditionally Tribes have had “to stick a spoke in the wheel” of project progress in order to get attention when problems are apparent.
- Building will continue, regardless of if processes/permits are streamlined. The Tribes need to get involved, to be part of the process.
- Time, effort, and money will be saved if Tribes get involved earlier. Tribal involvement means better resource protection.
- An Issue of Truth:
 - Is the truth of history going to be addressed, or swept away?
 - Is there going to be documentation of the Lower Elwha’s experience? Will it provoke truth and change, or will the state continue building on Tribal sites?
 - The Tribes are vulnerable. Where will WSDOT be vulnerable? (i.e. Federal intervention)
 - There has to be risks on both sides.
 - There are issues of understanding and risks on both sides. There must be preservation for the future.
- There must be alternative language that is tribally acceptable.

- Tribes have felt excluded in the streamlining process. Example: Salmon is wiped out (not by Tribes), and state asks Tribes to stop fishing.
- TPEAC: This process looks better, but who is partnered with the Tribes? The Legislature? The Tribes are concerned because the Legislature erodes water rights.
- Tribes unclear about partners in TPEAC/processes. Elections are always an issue. Legislature disregards Federal law. The Tribes are untrusting of the Legislature. There is a lack of confidence in the TPEAC process and in the government that created this process.
- Tribes have questions regarding the context of streamlining. Why streamline? To push projects faster? This provokes Tribal concerns.
- The goal of TPEAC streamlining isn't to necessarily makes the process faster, but better.

Tribal Consultation Efforts

- WSDOT has a good Tribal Consultation policy definition, "Consultation means respectful, effective communication in a cooperative process that works towards a consensus, before a decision is made or an action is taken." Now WSDOT is working on developing specific procedures for consultation.
- Each Washington region is distinct. Regional WSDOT offices work with Tribes based on the relationships that the regions have established with the Tribes.
- Two forms of consultation: Formal and routine.
- Folio handout outlines how WSDOT currently consults with multiple tribal offices throughout the life of a generic federal-aid transportation project.
- The model's purpose is to identify where WSDOT consults, and where WSDOT *needs* to consult. Example: "Is initiating consultation with the cultural resources at the Section 106 stage too late?" "Do we talk to Cultural and Natural Resources personnel? At what levels? When in the process?"
- Smaller Tribes don't have Cultural Resources personnel/planner. One person might have several jobs. Direct person-to-person contact must be made.
- PFW: Roundtable discussions. Identification of problems with consultation process must result in proper action. Actual enacting of process/completion is unbalanced. Mitigation and enhancement does not result in restoration.
- Tribes have problems with acronyms and policy-language.
- Protocol in consultation process: Notify Tribal Chairman with adequate response time. Do not just talk to one person. Multiple Tribal contacts must be made for one issue in one Tribe.
- Tribal knowledge is ancestral heritage – not archaeology. Archaeology is a learned profession. These are two different forms of knowledge with two different perspectives.
- For State/Tribal meetings:
 - Tribes would prefer choosing a subject to discuss, not an agenda of issues with a timeline.
 - Don't have large meetings; go to each Tribe individually, face-to-face for feed-back.
 - Look for a goal of a meeting: a final product.
- The Tribes are dealing with unprecedented issues (i.e. Lower Elwha). The Tribes don't know what they are setting themselves up for.
- Indian view of the state: Concerns of time and money.
- Tribes have many responsibilities to address. WSDOT must understand and try to meet Tribal needs.

- The Tribes and the state must be partners from *beginning to end*.
 - Tribes must prepare their offices; Respond to state consultation.
 - State must consult with Tribes.
- All issues must be discussed with each individual Tribe. Issues can appear simple at the general level, but are actually complex when seen at the individual Tribal level.
- A lack of permission changes/violates/takes away Tribal culture.
- Tribes must be free to choose alternatives that don't take away Tribal culture.
- Identification of a need to strive for balance. Tribes should be included in consultation, but don't overwhelm them with paperwork and acronyms. Tribal input is needed.
- Agency Tribal Liaisons are too busy/overworked.
- There is a need for local governments to be involved in the consultation process.
- Tribes face obstacles in protecting their interests in projects – there are problems with timelines and personnel limitations. Projects are moving forward despite Tribal objections.
- There is a lack of good relations between the Tribes and the Government.
- Tribes have other issues to deal with at the same time as dealing with state projects – Tribal personnel are overwhelmed and overworked.
- Tribes need to see the state's good will, especially concerning getting Tribes to the table as equals.

Tribal Area of Interest Maps

- WSDOT needs to obtain a complete map set of important Tribal lands (traditional lands). Lands on which tribes want to be consulted — we need to take the guess work out of knowing which tribes to consult with.
- These maps will be guidelines, *not* absolute boundaries.
- Tribal concerns of access. Who would have access to these maps? Sensitive and sacred sites are not given to the public.
- WSDOT needs maps of general traditional areas, not specific sites.
- Tribes have different kinds of land for different use.
- Not limited to U&A Maps: Address fishing rights, they are not relevant to traditional areas.
- WSDOT does not want a lack of knowledge to result in missing or harming sites and important Tribal areas.

Traditional Cultural Properties Handout

- Passed around a handout WSDOT created concerning TCP policy/compliance and suggested new procedures. Tribes were encouraged to review and provide comment.

Area of Potential Effects Handout

- WSDOT distributed guidelines on determining areas of potential effect for projects.

THPO Programmatic Agreements Presentation

- Goal: To create a consultation process that allows for Tribal input.
- Goal: To allow agencies to identify impacts and seek opportunities to minimize/avoid impacts.
- Tribes want to do their own cultural surveys with their own archaeologists.
- Tribal Archaeologists: They must possess cultural understanding – which is not the same as the Secretary of State's standards. Some archaeologists that meet Secretary of State's standards don't have cultural understanding.
- There must be communication of cultural understanding between the contractor, lead agencies, and the Tribes.

THPO Reports

- THPOs are established under Federal law.
- Clear requirements under Section 106. "Consultation."
- Development of Programmatic Agreement designed to:
 - Pull THPOs together.
 - Spell out what THPOs are doing.
 - Spell out what WSDOT is doing.
- Programmatic Agreement deals with:
 - Consultation, confidentiality, verifying local processes get the same consultation as other level process, Payment to Tribes from WSDOT for consultation work, Processes regarding human remains, site discoveries, Survey, contracted-out work, Identifying processes WSDOT will do for the Tribes, Looking at agreement with FHWA.
- "Consultation" does not equal "Notification."
- The PAs should not reiterate the Sec. 106 process, but discuss enhancements to that existing process.
- PA process is for Cultural Resources, not Natural Resources. There are different regulations for Natural Resources.
- Confusion regarding Natural Resources versus Cultural Resources.
- Be careful with language: Natural Resources Language vs. Cultural Resources Language.
- Natural Resources and Cultural Resources personnel need separate meetings. At this meeting they are grouped together.
- There are problems with agencies funding Tribes. There are limits to what the money can be used for.
- Tribal/State processes/discussion needs to be slowed down.
- Take your time. WSDOT will go Tribe to Tribe.
- WSDOT has to report to Headquarters, so progress updates will be necessary, but don't interpret that as trying to rush the Tribes.
- Tribes are interested in finishing agreements.
- Agreements need to be addressed for all agencies in the region which takes time. Tribes are spread thin and under funded.
- Issue of Money: Tribes don't have the money to implement everything.

- National THPO Funding: “Going nowhere.” “Going down/decreasing” Federal funding per THPO Tribe doesn’t pay THPOs’ salary. Solution: Congress needs to be lobbied to increase funding.
- There are six new THPO Tribes per year, but without any funding increases.
- Attempt to combine Natural Resources and Cultural Resources personnel in this track session wasn’t a good idea. It was done with the hope of enhancing coordination.
- No one wants to see another situation like the one at Port Angeles.
- WSDOT needs Tribal input in development of WSDOT consultation procedures to make sure Port Angeles doesn’t happen again.
- There is a need to involve not just Cultural Resource personnel but also planning personnel, etc.
- Programmatic Agreements are not limited to THPOs. They will be expanded to other Tribes. THPO PAs can serve as a model.
- WSDOT will sit down with any Tribe to work out a PA.
- Is it possible to get a map of proposed projects?

Traditional Cultural Properties

- Rob Whitlam:
 - Washington Native burials are protected on all lands.
 - Permitting issued by SHPO – After consultation with Tribe. 30 day review period – Approve or deny permit – 21 day appeal process.
 - Felony for looters.
 - Emotional damage can be considered.
 - RCW 27.53 protects archeological sites.
 - Post-Blaine: Civil penalty has been added.
 - SHPO has civil enforcement authority – details are still being worked out.
 - Some local governments have their own ordinances.
 - Examples: Clark County and Whatcom County.
- What is covered: Human remains, artifacts, and petroglyphs. Traditional Cultural Properties are not covered, but one can look to other areas (i.e. SEPA) for protection.
- There is no specific statute regarding Traditional Cultural Properties.
- Progress has been made regarding police enforcement of sites. Links between archaeological vandalism and other crimes (i.e. drugs) encourages enforcement.
- Distinguish between “Protection” and “Consideration.” Protection under SEPA (#13) regarding TCPs.

SEPA

- Problem: No Proactive Action.
- Section 106 requires pro-activity.
- Problem: No staff with technical Cultural Resource training.
- Tribes feel comments are often dismissed and are not weighed like government agency comments.
- Unequal treatment of Tribes.

- There is an average of 60-70 new sites per month.
 - Constant influx to cope with.

Inadvertent Discovery Funding Letter

- Tribes are concerned that there isn't funding for private property owners if an archaeological site or human remains are discovered. They are afraid that property owners won't report sites because of the high costs.
- The Legislature authorized funding to cover these expenses, but no money has been appropriated for it.
- Federal Sec. 106 Level: Better funding.
- State level funding hasn't happened yet.
- Write letter to CTED asking for budget increases to address this problem.
- Pass around a template to Tribes.
- Problem: Tribes don't have the resources, and private property owners don't always have funding. Example: Human remains discovered by woman in Seattle – \$10,000 cost (results in a reluctance for private land owners to report discoveries, choosing instead, to cover up).
- Problem: Preservation is a low priority to government and therefore receives low funding.
- Get funding from agencies. Agencies need to recognize the importance of preservation. If preservation becomes a higher priority, preservation receives more funding.
- Agencies problem: Funding from the Legislature.
- Note Concerning Seattle example – Issue in Seattle: Lack of shoreline regulation. Seattle woman didn't have proper permit. Problems with private property: Permits, regulations are not always followed.
- Can issues such as the Port Angeles graving dock be used as evidence, an example, or leverage to the Legislature?
- Goal: Making a case to make preservation a priority to the Legislature in order to receive funding.

Education and Cultural Resource Training

- There is a need to educate contractors and construction crews.
- Education of contractor/crew can be a simple, direct route.
- Project Monitoring.
 - Monitor can take the time to educate the site workers.
- Problem: Education is not considered *necessary*; it is only applied to certain cases.
- Identify *who* will lead training. The Tribes?
- CR Training as Preventative Action.
- There is a need to address the contractor's fear of finding Cultural Resources.
 - Fear can encourage hiding/cover-ups.
 - Fear of project halting.
 - Fear of high costs.
 - There is a need to let Tribes in. To include Tribes.
- Problem: How to get the contractor to spend time going to a CR Training. Time is money to the contractor.

- Response: WSDOT needs:
 - Short training session (one day?).
 - To write training into policy – Compliance.
 - Incorporate education at their level (economies of scale).
 - Offer training as an incentive.
- Training must include:
 - Maintenance personnel, etc. – Not just contractors. Training as a general provision? At the regional level?
- Training has to happen at the state level.
- Problems with Regional Training:
 - Traditional lands (Tribal lands) and Regions (state lands) are not the same areas and do not have the same boundaries.
 - There is a need for consistency and continuity in the trainings from region to region.
 - Who needs to be included?

WSDOT: Early Consultation

- Debate within WSDOT about whether or not to send Tribal Cultural Resources staff route development plans.
- Development plans take different forms. 20-year highway development plan.
- WSDOT should ask Tribes what they want to see and respond.
- Get Tribes involved before planning phases. This is in regulations, but agencies don't always follow this.
- Problem at WSDOT: Early planning does not have much detail.
- Look at APE Involvement – Issues of response time.
- THPOs receive government money, so THPOs have an obligation to respond.
- Conclusion: More THPOs will result in more responses.

Funding

- Problems go back to funding issues.
- Two different definitions of a crisis; two different definitions of important projects.
- Work on State/Tribal relationships – Encourage Tribes to do survey. Hire Tribes.
- Section 106 has no definition of “compensation.”
- It takes an adverse effect before funds can be spent.
- Problem: Compensation.
 - Tribal Monitoring – No compensation unless adverse effects occur.
- Solution: Compensation needs to be established within agencies.
 - Informal: Monitoring without pay until something is found.
 - Practical way to define perimeters.
 - Put compensation issue in Service Agreement.
 - Other solution: Hire Tribe as consultant rather than private firm to monitor.
- Not able to hire anyone until adverse effects/something is found.
- Issues of funding and policy when hiring is allowed.

- No elder interviews/oral history with a private consultant.
- Agency/Tribal Contracts: Government-to-Government. No bidding.
- Problem: Federal Highways controls the purse strings. State versus Federal guidelines result in restrictions.
- Can Tribes and WSDOT work together to change state guidelines at the Federal level?
- Section 106 is a minimum; a floor not a ceiling.
- Look for creative ways (i.e. TCPs) to fund/hire Tribes – before adverse effects.
- Cultural Resources need to be involved in budget stage. They need to be included in budget funding so the costs don't come out of the project funding later on.
- If Tribe doesn't have an archaeologist then they and state government hire a neutral 3rd party to review.
- The Tribes are dealing with many different government agencies. All agencies have deadlines and want Tribal priorities.
- All projects are a high priority to the Tribe, but each agency wants priority.
- It is in the agency's best interest to receive an early response.
- The Tribe needs to be included in the corridor – at the earliest stage with general, not specific, details.
- Responsibility to Federal guidelines because of Federal funding.

Timelines

- WSDOT wants Tribal timelines and would like to parallel Tribal/agency timelines to better align deadlines.
- Need government expectations in writing.
- Need written account of different government agencies:
 - What each one does
 - Who does what
 - Funding
 - Deadlines
 - Time Issues
- Breakdown of understanding on both sides – processes, timelines.
Example: Section 106 is supposed to be done before funding.
- Can WSDOT help explain timeline to Tribes?
- Concern of giving the Tribes information overload.
- Solution: E-mail "c.c." everyone, and if the Tribe isn't interested, they will let WSDOT know.
- Earlier alerts results in less information.
- Each Tribe needs to be consulted.
- Don't understand how planning and money timelines work together.
- Solution: Talk/explain to each Tribe individually. Put final conclusions in writing.
- Regions administer projects, so as a result regional offices need to connect with Tribes.
- WSDOT can bring the regions to the Tribes.

Tribal/State Transportation Conference

- Progress has been made – WSDOT has made an effort to understand where the Tribes are coming from.
- Tribes are getting more involved.
- Conference as an evolving process.
- Working on Issues of some Tribal mistrust of the State.
- Recognizes that it is important to send representatives at the right time and face-to face.
- Government should bring Information Packet to review *with* Tribes.
- Consultants: Paying outsiders to do work when the money could go to the Tribes.
- Involvement of elders' knowledge and compensation.
- Create processes with the right times and the right people, and with face-to-face meetings.
- Broader Tribal Relations issues addressed at the state level.
- Wants WSDOT to come to them, but they like the conferences too.
- Conferences provide networking opportunities, which is critical.
- Conferences attract higher-level officials that need to be made aware of issues (i.e. Federal Highways, Transportation Committee).
- Benefits to conference:
 - High level people attend
 - Networking opportunities
 - Opportunity to talk at the state level



Workforce Development Track

For more information or questions please contact:
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Summary and Action Items

- Tribal Employment Rights Ordinance (TEROs)/tribal members need to attend a local agency semi-annual meeting to share what the TEROs are all about and what is expected of the contractors when working on or partly on a reservation.
- Identify all activities throughout the year offered by tribes, unions, and WSDOT, that could be attended and beneficial to others.
- Do not trample on any traditions.
- Partnering is an educational process which requires educating every side to ensure success and understanding.
- All regional meetings should include the TEROs.
- Must always work for success and not settle for less.
- Never give up on anyone, there is a fit somewhere for everyone.
- Keep sight of where groups like TAPIT are heading, work together to be successful.
- Work with our youth consistently, gain their trust by follow-through and always being there to guide, not lead them.
- Partnering is a never ending process that we must keep working on to improve and watch grow.
- Follow-through must be kept a priority after any class or meeting to keep the results alive.
- Address the definition of "near" a reservation for which we got the following volunteers to work on the project: Kevin Dayton; Clarence Bob, Sr.; Bonnie Blake; Jim Medina; John Bastian; George Montero; Alice Curtis; Linda Cox; Dan Edwards; Kelcie Packineau.

It was also mentioned by Kelcie Packineau that it would be a good idea to have a strategic planner with experience and knowledge to lead this project. Keep us on task with timelines.

The TERO Team decided it would be a good idea to expand our "east/west sessions". In addition to changing the name to possibly Bridging the Gap through Partnering, we will have more classes. We propose possibly two in the eastern part of the state and four on the west side to include Port Angeles, Vancouver, Bellingham and Tacoma. This would allow both tribes and contractors to be better able to attend, whether due to monetary restraints or just travel time.

Track Discussion Notes:

Workforce Panel; OMWBE Panel; Native American Bank Panel

The Workforce Breakout was set around three panels, the first of which was “Resource Business Development/Employment and Financing.” The presenters for this panel were Martin McCallum from the State Workforce, Cathy Canorro from OMWBE, and Pamela Nesius from the Native American Bank. Each panelist presented their program to the participants and gave very important information on how to get assistance from each area. There were several parts of each presentation that overlapped which should make the information even more important to those who utilize the services offered. Pam Nesius also had a table at the 10/12/04 job fair with lots of information and answers to questions.

Workforce (Martin McCallum)

Handouts included a career guide for students and a resource directory. He reported there are 27 worksource centers across the state that provides universal access. Employment opportunities are also posted at each site. Also included by worksource are:

- Mentoring
- Summer youth employment
- Apprenticeship preparation
- Computer connections
- English as a 2nd language

Office of Minority & Women Business Enterprises (OMWBE) (Cathy Canorro)

They provide the following services:

- Small business financing
- No cost training
- 2% reduction on commercial loans
- Customized training to small businesses
- She will go anywhere to assist, needs only to be invited

Native American Bank (Pamela Nesius)

- Was formed by 20 tribes and took 5 years to get the bank started
- Bought the Blackfoot National Bank in Montana for headquarters
- Now have one in the Rocky Mountain Nation and one in Alaska
- This is a USDOT guaranteed loan program certified to represent the USDOT loan program west of the Mississippi strictly for minorities
- They provide working capital for small minority businesses that are certified DBEs
- There is only a \$150 application fee for up to \$750,000 with a revolving line of credit based on 85% of the invoices for operating only
- Taxes must be current to qualify

The second panel was “A Historical Perspective – The Real Story” which featured Cecil Cheeka, Ironworker; George Montero, Carpenters Union; Pete Carranza, Carpenters Union; Clarence Bob, Sr., Laborer’s Union; Johnson Bastian, Quinault TERO; and Dan Edwards, Colville Nation. Each panelist told their story, how they got to where they were, what roadblocks, or “speed bumps” they encountered and how they got past, around, under, or through them. Their stories covered all the feelings, sometimes funny, other times very sad, and always positive and entertaining. We learned so much from these “elders”, facts that hadn’t been considered before. The objective of this panel was to bring to light typical problems and how to pass on this valuable information to the “up and coming” young people. To make them aware of how to handle actual (as well as perceived)

prejudice and discrimination, using experiences from those who have already been there and moved on. To hopefully prevent the youth from just giving up when they encounter the same, or similar, “speed bumps.” The stories shared by the participants were wonderful and very much appreciated by all the attendees.

The third panel was “Native American Success Stories” and consisted of three panelists; Glenyce Fortin, Nez Perce, WSDOT Engineer; Leo Tsinnajinnie, Navajo Carpenter; and Linda Cox, Apache Carpenter. These are three very determined and successful people, although Glenyce stated she hadn’t really begun yet and couldn’t figure out why we considered her a success story. She went back to college after her children were raised and got her degree in civil engineering and now works for WSDOT in the Southwest Region. Although she is just beginning her new career, her journey there is her big success for the moment and will just grow. We are very proud of Leo and Linda also, they have been working longer and are journey carpenters, they are success stories just a little farther along their journey. None of them let life’s inevitable speed bumps deter them from their goals. What great mentors they all will be to the up and coming.

We also were treated to two videos that had been made for our session. One was from Cecil Cheeka and the Ironworkers and the other was from George Montero, Pete Carranza and the Carpenters. Both videos were very well done and highlighted Native American success stories from on the job. These videos were very much appreciated and a big “THANK YOU” goes to the producers for their hard work. Many people will get to see them and appreciate the hard work and love that went into putting them together.

On Thursday Kelcie Packineau explained the program that the Yakama Nation is a part of. It is from a grant they applied for with Yakima, Kittitas, and Klickitat counties (Tri-counties) and is referred to as “TAPIT”. This program provides training for core soft skills to assist the participants in getting accepted into the union apprenticeship programs. Math skills need to be at least tenth grade and most participants test at eighth grade level. This shows the importance of including basic math among the soft skills. Other areas are people skills; showing up for work on time and ready; and assist in getting drivers licenses. Jim Medina volunteered to find a way to get past the tribal drivers license issue. The first class is scheduled for November 25th at the Yakama Nation Housing Authority site; the dates for the other two classes have not been set at this time. Kelcie requested the TERO people as well as anyone else who have “succeeded” to please come to the class sometime during the two weeks it is being held and act as mentors to the students. Mentors are needed to address the young Native Americans of opportunities as well as having a lot of history to share that will assist the students in becoming successes also. It was stated that we need to get the trust of the young people, starting as young as junior high, and follow through as mentors on an as needed basis. John Bastian also stated the importance of understanding each Tribe individually – cultural traditions and the heritage of all need to be respected and understood.

Issues:

- Diversity training is needed to increase respect for all, from all.
- We need to have the union reps, as well as the AGC talk to the contractors concerning the “Bridging the Gap through Partnering” sessions held throughout the state (formerly known as our east/west classes) to hopefully get better participation from them.
- Work on identifying more of the barriers to success and determine how to assist people in getting past them rather than giving up.
- Are mentors requested to attend the classes en masse or on an individual basis?
- Is TAPIT open to all tribes or just the Yakama Nation?
- Many tribes have budget restraints that impede their ability to travel for meetings/conferences etc.

- The UA is a stumbling block right along with having a valid drivers license.
- All people need to be given the alternative to chose their own path to the future, not blindly directed to follow our lead.
- Never take it for granted that someone has the know-how to do something, offer assistance and guidance if required.
- The Laborers have a boot camp for youth each summer.



Attendees

Tribal/State Transportation Meeting November 23, 2004

Barb Aberle	WSDOT - Environmental Services
Fatema Aboutaleb	WSDOT - Office of Equal Opportunity
Randy Abrahamson	Spokane Tribe - THPO
Gregory Abrahamson	Spokane Tribe Chairman
Salah Al-Tamimi	WSDOT - South Central Region
Michelle Anderson	WSDOT - Eastern Region
Michael Andreini	WSDOT - North Central Region
Vineeta Andrews	WSDOT - Governmental Liaison Office
Greig Arnold	Makah Tribe - Transportation Planner
Tim Arquette	Yakama Nation - TERO Director
Greg Azure	Umatilla Confederated Tribes - TERO Director
David Baker	Paratransit Services
Garth Baldwin	WSDOT - Cultural Resources
Ed Barnes	Transportation Commissioner
Johnson Bastian	Makah Tribe - TERO Compliance Officer
Jeff Beach	Department of Licensing
Megan Beeby	WSDOT - Environmental Services
Carrie Berry	WSDOT - Environmental Services
Ed Binder	Skokomish Tribal Council
Bonnie Blake	WSDOT - Office of Equal Opportunity
Clarence Bob	Laborers Union
Joseph Bonga	Bureau of Indian Affairs
Carol Brown	Lower Elwha Klallam Tribe - Community Development
Chester Brown	Spokane Tribe - TERO
Gina Cadagan	WSDOT - Eastern Region
Cathy Canorro	Washington State OMWBE - Compliance Manager
Melinda Capps	WSDOT - Office of Equal Opportunity
Michael Cardwell	Quinault Indian Nation - AICP Planning, Comm. & Econ.
Tim Carlile	WSDOT - Governmental Liaison Office
Pete Carranza	Pacific N.W. Carpenters - Community Tribal Relations
Jerry Charles	Lower Elwha Klallam Tribe - Housing Maintenance
Frances Charles	Lower Elwha Klallam Tribal Chair
Phil Charles	Lower Elwha
Larry Chatterton	WSDOT - Eastern Region
Cecil Cheeka	Ironworker
Brian Clark	Colville Tribe - BIA Roads Manager
Mary Beth Clark	Colville Confederated Tribes - Planning Manager
Daniel Cochran	Sprinkler Fitters Union #699
John Conrad	WSDOT- Engineering & Regional Operations
Ed Conyers	WSDOT - Northwest Region Local Programs
Michael Cox	WSDOT - North Central Region
Linda Cox	Pacific N.W. Carpenters
Dennis Crawford	Quileute Tribe - Transportation Planner
Alice Curtis	Department of Labor & Industries - Apprenticeship Coordinator
Kathleen Davis	WSDOT- Highways & Local Programs Director
Sonny Davis	Department of Natural Resources - State Tribal Liaison
Kevin Dayton	WSDOT - State Construction Engineer
Trent de Boer	WSDOT - Cultural Resources

Francis Devereaux
 Phil Dorn
 Russell East
 Marilyn Edgington
 Daniel Edwards
 Faye Edwards-Jenkin
 Jerry Ellis
 David Ernst
 Kimberly Farley
 Deborah Fletcher
 Bryan Flett
 Pauline Flett
 Mike Foley
 Jeanne Foote
 Kojo Fordjour
 Elmira Forner
 Glenyce Fortin
 Rhonda Foster
 David Frey
 Harry Fulton
 Rick Galloway
 Clarence Gillis
 Davor Gjurasic
 Scott Golbek
 Randy Hain
 Paula Hammond
 Nisha Hanchinamani
 Eldon Hillare
 Tim Hostetler
 Charlie Howard
 Walter Jackson
 Marvin Jenkins
 Rick Jensen
 Anthony Johnson
 Connie Johnston
 Colleen Jollie
 Bob Jones
 David Jones
 Rick Jordan
 Ian Kanair
 Robert Kelly
 Robert Kelly
 Ed Knight
 George Kovich
 Keith Kramer
 Kellie Kvasnikoff
 Jim Langley
 Cathy LeBret
 Jerry Lenzi
 Gordon Logan
 Judy Lorenzo
 Frank Lorpuz
 Bob Louie
 Sharon Love
 Doug MacDonald
 Keith Martin
 Dan Mathis
 Jon Maton, P.E.
 Blanchard Matte
 Rick Matthews
 Robin Mayhew
 Joe McCoy

Coeur d'Alene Tribe - Transportation Planning
 Port Gamble S'Klallam Tribe Development Authority
 Washington State Ferries - Terminal Engineering
 Lower Elwha Klallam Tribe - Land Use Planning
 Colville Tribal Enterprises Corp 175.00
 WSDOT - Southwest Region Tribal Coordinator
 WSDOT - Transportation Economic Partnerships
 Spokane Tribe
 WSDOT - Northwest Region
 WSDOT - Eastern Region
 UCUT
 Spokane Tribal Elder
 Plumbing & Pipefitting Industry
 Rognlin's Inc.
 Washington State Ferries
 Transportation Commissioner
 WSDOT - Southwest Region
 Squaxin Island Tribe
 NW TTAP
 Port Gamble S'Klallam Tribe
 Camas Go-On
 Washington State OMWBE
 Nisqually Indian Tribe
 WSDOT - South Central Region
 WSDOT - Olympic Region
 WSDOT - Chief of Staff
 WSDOT Aviation Division
 Lummi Nation
 WSDOT - Northwest Region
 WSDOT
 Quileute Tribe
 WSDOT - Office of Equal Opportunity
 Muckleshoot Tribe
 Nez Perce Tribal Chair
 Colville Confederated Tribes
 WSDOT - Tribal Liaison
 WSDOT - Olympic Region
 WSDOT - Construction
 WSDOT - Eastern Region
 Snoqualmie Tribe
 Nooksack Indian Tribe
 Nooksack Tribe
 Swinomish Tribe
 WSDOT - Olympic Region
 Chehalis Reservation
 Snoqualmie Tribe
 Nisqually Indian Tribe
 Congressman Nethercutt
 WSDOT - Eastern Region
 Rognlin's Inc.
 WSDOT
 Makah Tribe - TERO
 Colville Confederated Tribes
 FHWA
 WSDOT - Secretary of Transportation
 WSDOT - Eastern Region
 FHWA
 Camas Go-On
 Makah Tribal Council
 Womer & Associates
 FHWA - Headquarters
 Swinomish

Michael McKee
 James Medina
 Margarita de Mendoza
 John Meninick
 Tracy Milburn
 Delbert Miller
 George Monterey
 Rachel Moses
 Jeff Moyer
 Gummada Murthy
 Don Nelson
 Glen Nenema
 Pam Nesius
 Annette Nesse
 Jon Otterson
 Kelcey Packineau
 Joe Pakootas
 Mike Partridge
 Darrell Phare
 Vincent Piel Jr.
 Camille Pleasants
 Larry Priest
 Raul Ramos
 Mark Rohwer
 Richard Rolland
 Larry Ross
 Mary Rossi
 Lee Russell
 Lynn Rust
 Daniel Satiacum
 Christie Scheffer
 Lynn Scroggins
 Don Senn
 Donald Shannon
 Steve Shipe
 Michele Siedenburgh
 Muriel Slickpoo
 Mitchell Smith
 Rebecca Smith
 Valerie Southern
 Dale Stedman
 John Stensgar
 Casey Stevens
 Ron Suppah
 Trevin Taylor
 Kathy Thomas
 Pam Trautman
 Leo Tsinnajinnie
 Sandie Turner
 Kirk Vinish
 Don Wagner
 Tom Washington
 Megan White
 Don Whitehouse
 David Whitener Sr.
 Alysson Whitlam
 Rob Whitlam
 Paul Wilson
 Julie Wilson
 Dr. Winchell Dick
 Wendy Young
 David Zevenbergen

WSDOT - North Central Region
 WSDOT - Office of Equal Opportunity
 WSDOT - Office of Equal Opportunity
 Yakama Nation
 NE Washington RTPO
 Skokomish Tribe
 P.N.W.R.C.E.
 Colville Tribe - BIA Roads
 Copenhaver/Moyer Construction
 WSDOT
 WSDOT - Environmental & Engineering
 Kalispel Tribal Chair
 Native American Bank N.A.
 Jamestown S'Klallam Tribe
 Spokane Tribe
 Yakama Nation
 Colville Confederated Tribal Chair
 WSDOT - Planning
 NWIFC
 Yakama Nation
 Colville Reservation
 Lummi
 Puyallup Tribe
 WSDOT - Eastern Region
 NW & AK TTAP
 Squaxin Island Tribe
 Lummi Nation
 Sprinkler Fitters Union #699
 WSDOT - Southwest Region
 Puyallup Tribe
 Paratransit Services
 Squaxin Island Tribe
 WSDOT - North Central Region
 Colville Confederated Tribes
 WSDOT - Northwest Region
 NW & AK TTAP
 Nez Perce TERO
 Fire Protection Sprinkler Fitters Local 669
 WSDOT - Eastern Region
 Transportation Consultant, LLC
 Transportation Commission Chairman
 Colville Confederated Tribal
 Stillaguamish Tribe
 Confederated Tribes of Warm Springs
 WSDOT - Highways & Local Programs
 Tri-County Workforce Council
 WSDOT
 Pacific N.W. Carpenters
 WSDOT - Cultural Resources
 Lummi Nation
 WSDOT - Southwest Region
 WSDOT - Urban Planning
 WSDOT - Environmental Services
 WSDOT - South Central Region
 Squaxin Island Tribe
 Department of Natural Resources
 CTED
 Kalispel Tribe of Indians
 Department of Licensing
 Eastern Washington University
 TERO - Tulalip Tribes
 WSDOT - Highways & Local Programs

Washington State Tribal Transportation Survey

November 2004

Tribal Transportation Planning Organization
Washington State Department of Transportation
GO-ON ~ Camas Institute

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Introduction

There are twenty nine federally recognized Indian tribes in Washington State whose governments must provide transportation services within their service areas, just as the federal, state, county and city agencies do for their citizens; and, those systems must be included in the Washington Transportation Plan (WTP) as required by federal legislation (TEA-21). The Washington State Department of Transportation (WSDOT) is currently updating the 20-year plan for the years 2007-2026, as it does every few years to keep it current.

Transportation planning is very problematic for the tribes. Administrative capacity is low for most tribes in Washington, a fact borne out by this survey. Tribal Transportation Planning Departments, if there are any, are understaffed and in need of technical expertise in the discipline. There is a lack of readily accessible data and existing data is fragmented among many jurisdictions operating on any given reservation, federal, state and local agencies in addition to the tribes and the Bureau of Indian Affairs. Economic development, public transportation and traffic safety are high priorities for tribes. Eighteen tribes participate with local transportation planning organizations; this is an area that would benefit from improved administrative capacity.

In December 2003, the Tribal Transportation Planning Organization (TTPO) was formed to help reconcile these disparities. The need for better tribal information to be included in the statewide transportation plan prompted WSDOT and the new tribal planning organization to conduct this survey. The response rate was excellent, 24 of the 29 Tribes participated (83%), and efforts continue to gain full tribal input. The Camas Institute, chartered by the Kalispel Tribe, assisted throughout the process. Camas GO-ON is a business extension of the Institute that specializes in transportation planning; it is, otherwise, a non-profit educational and service organization.

The survey instrument was set up to include the same categories as the WTP, and then added questions particular to the tribes to address their own needs. Because the need for information is so great, it was difficult to keep the survey down to 132 questions. The survey was shared with the Transportation Committee of the Affiliated Tribes of Northwest Indians (ATNI) to assure broad tribal inclusion. It was launched on a web-based service provider to make it instantly available. Hard copies were sent to Tribal Chairs and Planning Departments. The population universe for general percentage values consists of the 24 tribes' responding to the questionnaire as of July 31, 2004.

Participating Tribes:

Colville Confederated Tribes
 Chehalis Confederated Tribes
 Cowlitz Indian Tribe
 Hoh Tribe
 Jamestown S'Klallam Tribe
 Kalispel Tribe of Indians
 Lower Elwha Klallam Tribe
 Lummi Nation
 Makah Nation
 Muckleshoot Indian Tribe
 Nooksack Tribe
 Port Gamble S'Klallam Tribe

Puyallup Tribe of Indians
 Quileute Tribe
 Quinault Indian Nation
 Samish Indian Nation
 Sauk-Suiattle Tribe
 Skokomish Tribe
 Snoqualmie Tribe
 Spokane Tribe
 Squaxin Island Tribe
 Stillaguamish Tribe of Indians
 Swinomish Indian Tribal Community
 Yakama Indian Nation

Non-participating Tribes:

Nisqually, Suquamish, Tulalip, Shoalwater Bay, and Upper Skagit

Managing their own transportation systems is a very recent development for northwest Tribes. The Bureau of Indian Affairs Reservation Roads Division (BIA-IRR) has historically managed tribal transportation. BIA headquarters is in Portland Oregon and there are six regional offices across

Washington State. The BIA provides funding and direct services for planning, construction and maintenance of reservation roads. Leroy Gishi, the National Director of the BIA Indian Reservation Roads Program recently stated, "Self Determination has had a significant impact on Indian Reservation Roads. We must embrace and strengthen that concept."¹ Some Tribes manage their own transportation programs in a process referred to as a "638 contract"². The BIA grants \$35,000 to each tribe to support self-governance in transportation planning, which is a step towards building administrative capacity. Tribes may also contract for construction and maintenance of their systems.

According to a study by the National Highway Traffic Safety Administration, the rate of death and permanent disabilities among Indians is two to three times that of other Americans. On some reservations, the rates are four to five times higher. The Washington Traffic Safety Commission recognizes the importance of traffic safety in Indian Country and has committed to making it a priority. They recently awarded Ferry County a grant to work with the Colville, Spokane, and Kalispel Tribes to develop Tribal Task Forces to work on the three "E's" of traffic safety: education, enforcement and engineering.³

Safety in transportation planning demands extensive inventory management and a significant amount of skilled staff time. Data gaps are huge. The survey was able to identify the kind of data tribes do collect relating to the travel-way. The number of projects listed in a collective Tribal Transportation Improvement Program (TTIP) is 265. Because many tribal reservations are remote and sometimes served by only one access road, the survey categorized accessibility at several levels: seven tribes have only one access road, four experience closures and three of those are chronic. While twenty-three tribes agree that planning for non-motorized transportation would improve safety, only six have this section included in their transportation plans.

Eighteen tribes state that their economy requires transportation infrastructure improvements and that road conditions on the reservations adversely affect tribal economy and tourism development. Five tribes have a total of about twelve miles of bike paths. Eight tribes have scenic byways, including Makah, with their own tribal scenic byway. Ten tribes have no form of public transit on, or near, their reservations. Twenty-one have transit near the reservation, however six of those do not continue service onto the reservation itself. Experience in the communities suggests that public transportation is needed for job access or to training centers and colleges.

Travel Management (vehicle trips) and roadway system condition monitoring are both lacking in Indian Country. Tribal community trip generators are ranked in the survey. There is a public perception that reservation roads are maintained typically worse than their neighbors no matter who owns them. Twelve tribes reported the same levels of service, while ten tribes describe distinct differences, stating that counties, too, are short on funds and cost savings are made at the expense of reservation roads. Some counties and tribes work together to match funds, this could be promoted to become more of a rule rather than an exception.

Building communities was addressed in planning partnerships, intergovernmental relations and shared resources. Project prioritization and funding levels occur at this level. Seventy percent of the tribes and local agencies share their transportation plans with each other, but do not consult to determine levels of service. The urban tribes experience choke points and bottlenecks in common with their neighboring local agencies. Fifty percent of the tribes have used BIA-IRR funds to match local funds, but they are typically not using TEA 21 funds in many categories for which they qualify.

¹ 7th Annual National Tribal Transportation Conference, October 2004, Scottsdale, Arizona

² PL 93-638 Indian Education and Self Determination Act

³ Northwest Tribal Transportation News, NW&Alaska TTAP newsletter, summer 2004

More than half of the tribes do not have ports, rail service, ferry terminals or multi-modal exchange facilities. Future needs indicate plans for development in this area. The Bureau of Indian Affairs is currently designing a “roaming portable scale” with which to develop a fundamental database of freight mobility. Ten tribes do have rail on the reservations, six have ports (of those, one needs replacement, three are in poor condition). Trucking was not addressed in the survey.

Only two tribes are heavily involved with homeland security, fifteen are minimally involved, and six are not involved at all. Regarding safety, seventeen tribes do not receive sufficient notification of hazardous material shipments through their reservations.

Regarding environmental issues in tribal transportation planning, although tribes maintain good records of fish, game, and water purity, these elements aren’t included in most transportation plans. Fourteen tribes have critical wildlife habitat corridors affected by the system, but only four include them in their transportation plans. Fish passage barriers are addressed in thirteen plans.

There are many federal laws, regulations and executive orders that direct state agencies to consult with tribes at various levels of project development. Washington State also has the Centennial Accord between the Tribes and the Governor’s Office to assure positive government-to-government relations. In 2003, the Secretary of Transportation issued the Tribal Consultation Policy and the Centennial Accord Plan, a manual to implement that policy. The survey included a section on tribal consultation especially in the environmental area to gain some direction from tribes on how services can be improved. Generally the tribes ranked the level of service as being “fair to excellent”. They asked for more and earlier communication, that meetings occur at tribal offices, and with the appropriate staff. The burden of staff time and expertise for project reviews should be compensated as they are in other local and state agency plan review centers that charge fees for similar services.

Half of the tribes responded that they have Tribal Employment Rights Ordinances that they enact to combat hiring disparities, high unemployment rates and poverty on the reservations. TEA-21 recognizes the intent of the tribal laws and advises states to do the same when using federal funds to construct projects “on or near reservations”. Nine tribes work with WSDOT to increase employment outreach on road construction jobs. Seventy-five percent of the tribes identified the Northwest and Alaska Tribal Technical Assistance Program as their primary organization that provides support in workforce development.

Survey Categories

The survey addresses the main issues that frame the Washington Transportation Plan. The tribal planners who helped design the survey instrument added categories of special interest to their needs for information. Administrative capacity is of primary concern, so it leads the survey; followed by Safety; Economy and Tourism; Public Transportation, Special Needs, Moving a Growing Population; System Preservation; Non-motorized Transportation; Building Communities; Freight; Security; Environmental Issues, (NHPA section 106) Consultation and (environmental) Permit Review (for WSDOT purposes); and, finally, Workforce Development and Tribal Employment Rights Ordinances, generally referred to as TERO.

Administrative Capacity

Tribal Transportation Planning Departments are understaffed and in need of technical expertise in the discipline. This is not news, but it is finally documented: Only two tribes have a permanent full time transportation planner. Nine of the positions are less than 30% FTE, the rest are about 50% FTE, two positions are not permanent. Two tribes have no transportation planner available at any capacity. Eleven planners have degrees in Urban Planning, four have achieved American Institute of Certified Planners (AICP) status. Ten planners are without the specific discipline of “Transportation Planning” which would provide some civil engineering training. Planners are funded primarily (89%) through BIA 638 contracts. It was apparent throughout the survey that

services, projects, economic development, and participation in local planning organizations, all suffer due to the lack of a fully functional, staffed transportation planning position in most tribal government offices.

In the words of respondents: “There are coordination shortfalls and development impacts. Tribes cannot adequately develop plans and have problems implementing comprehensive transportation plans when adopted. It is impossible to be proactive, to keep up with, or to respond to all the relevant information. It has a huge impact on business opportunities and adversely affects tribal economics and tourism”.

Most of the Long Range Transportation Plans are reasonably current, with eighteen completed in the last five years. The majority are incomplete, however, as many items deemed crucial to the tribes are not yet included within the existing plans.

Twenty-two tribes coordinate their transportation plans with other tribal plans, i.e. housing, comprehensive, and economic development. Eighteen tribes participate in their local Regional Transportation Planning Organization. Eleven tribes have some form of membership in the policy boards and/or technical advisory committees. Some tribes experience difficulties working with their RTPO, one indicated they didn't know about them. This is an area that could be strengthened with some deliberate attention to improving outreach and developing effective relationships. One example that is working very well: the Nisqually and Chehalis Tribes work closely with the Thurston Regional Planning Council at every level resulting in funded projects that are mutually beneficial.

There was a resounding need for closer coordination with state and county jurisdictions regarding data collection. A central repository of accident data would help identify dangerous road segments. The data gaps became immediately apparent when this survey started. The TTPO and WSDOT were successful in securing \$100,000 dollars in federal and state funds to conduct a more data focused phase-two project that will immediately benefit data collection, quality assurance, reliability and consistency. The information will be available in the WSDOT Data Library and the County Road Administration Board data that is managed across the state.

Safety

Safety in transportation planning demands extensive inventory management and a significant amount of skilled staff time. To plan for safety many elements must be recorded and evaluated, i.e. conditions of the traveling vehicle and operator, the travel path, weather conditions, etc. Not having a complete record of the fundamental crash site makes it very unlikely that tribes can evaluate safety or crash incident analysis or even do an acceptable reality check on their systems. This function is impacted severely by the lack of technical expertise identified in section one. Many case-investigation reports of traffic accidents occurring on reservations are not available to the tribes. There is confusion regarding jurisdiction; who is responsible for making the investigations and where the investigation reports are filed.

The data gaps are huge, i.e. Lummi's data is disaggregated; Colville reported 238 collisions, 121 injuries and 8 fatalities, which conflicts with other known data that describes that situation in even more severe terms. The survey was able to identify the kind of data tribes do collect relating to the travel-way. Half of the tribes apply standards from the Manual of Uniform Traffic Control Devices; four tribes indicated that they contract with engineers to identify System Design Deficiencies.

The top three priority safety projects are:

- 1) Traffic control measures and/or roadway improvements, (speed control, channelization, signalization, road reconfiguration)
- 2) Pedestrian and bicycle or sidewalk safety measures
- 3) Better signage

Nine tribes cited roadways on reservations where posted speed limits are too fast and endanger pedestrians. Even though these areas are villages with specific land use zones: residential, schools, businesses, tribal centers, etc., they are not incorporated towns with clearly marked city limits so standard traffic safety laws do not automatically apply. This is an issue that requires attention and resolution.

The number of projects reported in a collective Tribal Transportation Improvement Plan (TTIP) is 265, 105 are concentrated among three tribes. To illustrate the variance: one tribe has one project, it is safety, it is funded; one tribe has 12 projects, six are safety and all 12 are funded; one tribe lists 35, the top 10 are safety, none are funded; one tribe has 25 projects, they are all safety and none are funded. Tribes have been working with WSDOT over the past three years to get their TTIPS entered directly into the State Transportation Improvement Plan to expand their opportunities to secure funding beyond the limited resources of the BIA.

Because many tribal reservations are remote and sometimes served by only one access road, the survey categorized accessibility at several levels: whether the tribe has one or more primary access roads; frequency of closures and whether those are chronic; and, whether the tribe's transportation plan addresses these problems. Seven tribes have only one access road, four experience closures and three of those are chronic. Fourteen tribes have experienced closures, three are chronic, and half are not addressed in the transportation plan.

Economy and Tourism

Eighteen tribes state that their economy requires transportation infrastructure improvements and that road conditions on the reservation adversely affect tribal economy and tourism development. Respondents gave the following comments: "good roads are needed to get to the tourism sites; roads are narrow, poor maintenance, no lighting, frequent and severe flooding; can not get from one village to another; remote locations; road closures; 1500 cars pass daily over 1.6 acres at tribal center; business park road is below standard". There are also right-of-way issues in developing roads: "numerous owners of allotments; need funds to purchase; BIA regulations; trouble convincing other jurisdictions; original narrow ROW is now developed, unresolved legal issues, and no more areas to expand".

The survey minimally addresses tourism related modal travel infrastructure, i.e. ferry service, bike paths, and scenic byways. Tourists use ferries to come to seven of the reservations. The distance ranges from zero for Colville and Lummi to 175 miles for tribes on the Olympic Peninsula. Some are fairly close, four miles, for tourism business. Five tribes have a total of about 12 miles of bike paths. Eight tribes plan on establishing and/or expanding their bike paths. Eight tribes have scenic byways, including Makah, with their own tribal scenic byway. One tribe didn't know, and one said, "no" even though there is one on that reservation. This is an area of more potential for the tribes to develop tourism.

According to the answers given, tribes are not tracking the travel modes of tourists to the reservation. This may indicate that those tribes with planners are not working internally with the marketing managers in tribal casinos, hotels and resorts regarding tourist data. There is also an opportunity here to work with the state Office of Tourism. Other partnerships were identified. Ten tribes participate in their local Chamber of Commerce, and the Makah Tribe is starting their own chamber in Neah Bay. Tribes participate in several types of travel guides or brochures: fifty percent at the state level, forty-five percent locally, and thirty six percent regionally. Five tribes produce their own guides or brochures; and seven tribes don't do any of the above.

Public Transportation, Special Needs, Moving a Growing Population

Some of the questions in this section did not apply to three recently federally recognized tribes who do not have reservation homelands. Ten tribes have no form of public transit on, or near, the reservation. Twenty-one have transit near the reservation, however six of those do not continue

service onto the reservation itself. Five tribes have received funding through WSDOT-FTA grants, and nineteen have not. This area could benefit from more outreach. Ten tribes have a “dial-a-ride” program, and thirteen tribes do not. Two tribes have park-and-ride facilities, and twenty-one tribes do not. The Squaxin Island Tribe has a well-developed transit program, as does Makah. The Stillaguamish tribe provides leadership in their county to coordinate existing public transit programs. Several tribes have purchased ADA equipped vans for their Elders Programs through WSDOT administered federal grants, but most reduce other scarce tribal funds and programs.

Compare this category of tribes that have no access to public transportation, or the services are inadequate - against previous indicators regarding the lack of qualified or fully engaged transportation planners, perhaps if the planners were there, they could develop plans and identify proper funding sources for public transportation needs, particularly in partnership with local and state agencies. Also, this survey did not address whether transportation needs are required for job access or to training centers and colleges. Experiences in the communities suggest that this might be the case.

According to the University of Montana Rural Institute, “Almost one out of four Native Americans has a disability -- one of the highest disability rates of any group in the U.S.” Seven tribes have addressed the American Disabilities Act (ADA) in their transportation plans. Nineteen tribes identified their top ranking ADA needs as follows: 1) sidewalks, with cuts, 2) transit services, 3) signage, lighting, and striping.

System Preservation

This section addresses road inventory, trip generators, drainage system deficiencies and plans for improvements, gaps in the maintenance data collection system, management plans and programs, equipment needs, and partnering opportunities. Travel Management (vehicle trips) and roadway system condition monitoring are both lacking in Indian Country. Federal Lands Highways has mandated that the BIA provide a Surface & Pavement Management System, but it has not yet occurred.

Tribal community trip generators ranked in order of frequency cited: Tribal Centers (14); Health Clinics (7); Commercial Centers (7); Casinos (6); Residential Areas (4); Schools, resorts and ports (1 each).

Eighty-five percent identified at least one significant drainage deficiency; fifty-five percent do not have plans to address the problems. Sixty three percent identified missing information for sign inventory, drainage information and road condition rating systems. Fifty-four percent have no plans to implement any required management system. Eleven tribes do plan to implement at least one required management system, the priority being safety.

Tribal roads programs need equipment. Two answered that they need “everything”, while twenty listed at least one item of every variety for road construction and maintenance. The Makah Tribe has worked with WSDOT for government rates to purchase equipment. This practice could be extended to other tribes. As government entities, tribes can also access the State General Administration Office for surplus equipment.

There is a public perception that reservation roads are maintained typically worse than their neighbors no matter who owns them. Half of the tribes reported that state and local jurisdictions provide the same levels of service whether on-or-off of the reservation. Ten tribes described distinct differences, citing that service ends at the reservation boundary; safety improvements are not as robust; shoulder width narrows; some tribal roads get only occasional patch-work, off-reservation roads have more routine maintenance and improvements. They stated that counties, too, are short on funds and it appears that the cost savings are made at the expense of the reservation roads. Counties and tribes have partnered successfully to match funds for projects on reservations, this could become more of a rule than an exception.

Non-motorized transportation

Although twenty-three tribes agree that planning for more non-motorized transportation would improve safety, only six have this section included in the tribe's current Long Range Transportation Plan (LRTP). Seventeen tribes identify a method to reduce injuries, fatalities and risk by improving sidewalks and crosswalks and other non-motorized vehicle conflict improvements.

The following needs are listed in order of frequency cited: Pedestrian paths and sidewalks (20); bike paths and trails (9); trail systems (7); equestrian corrals and trails set aside for cultural uses (1). Ten tribes did not indicate whether there is any non-motorized transportation system available in their communities. Eleven tribes have sidewalks; eight of these need more. Seven have bike lanes and/or paths; two tribes mentioned equestrian trails and one tribe listed a river as a non-motorized facility.

The condition of existing non-motorized facilities is generally unsound, two tribes have plans to remedy the problems and eight do not. Eight tribes answered that their facilities are in good condition. Six tribes did not answer the question. Two tribes have maintenance plans for non-motorized facilities. This section did not generate full engagement.

Building Communities

Planning partnership was addressed here, while in section one, administrative capacity, regarding intergovernmental relations and cooperation, particularly between the tribes and regional transportation planning organizations was investigated. Project prioritization is decided at this level and it is imperative that tribes work with planning organizations. They must be engaged in the process significantly at the voting level. This section will proceed to focus on shared resources and transportation facilities.

Seventy percent of the tribes and local agencies share their transportation plans with each other. However, neither consults substantially in establishing levels of service standards (for reservation roads) or in the development of their respective plans. Thirty-three percent of the tribes indicate that adjacent jurisdictions do consult with them in the establishment of level of service standards. Thirty eight percent of the tribes do not consult with adjacent jurisdictions.

Regarding the tribe's use of funds in pooling resources, thirty seven percent (9) of the tribes are not using Indian Reservation Roads (IRR) or Housing and Urban Development (HUD) funds to leverage local matching funds. Fifty percent of the respondents have used IRR money for match, slightly less for HUD funds.

Twenty-two percent of the tribes had one or more Highway Capacity Improvement Need identified. Collectively, improvements are listed in order of frequency: System preservation (20); traffic control measures particularly for lighting, signage, speed bumps, speed reduction (9); pedestrian and bicycle or sidewalk and cross walks (5); new construction (6); and, bridge replacement (2).

One tribe listed "increased planning, coordination and response to needs" rather than a list of construction projects. This is an area of high potential for partnering opportunities among the tribes, state and local agencies to get projects onto the STIP for mutual benefits. Detailed lists are available. Tribes are typically under-utilizing TEA 21 funds in many categories for which they qualify.

Congestion and "choke points" were included in this section. This information illustrates that a tribe does not have to be near an urban center to experience bottlenecks or chokepoints in their own communities (Yakama, Makah, Lummi, Jamestown). Listed previously, one tribal center has 1500 cars pass daily over a 1.6-acre site. Choke points and bottlenecks are definitely experienced by urban tribes, (Puyallup, Muckleshoot), a problem they share with their neighboring cities, (Auburn and Tacoma).

Freight

Freight Inventory Management – the Northwest Region Bureau of Indian Affairs (Portland) is currently designing a “roaming portable scale” program. With that effort it will be possible to develop a fundamental database inventory of freight mobility. Attention to trucking as a primary freight mover was not addressed in this survey, but should be considered in future efforts.

More than half of the tribes do not have ports, rail service, or ferry terminals available; nor do they have any multi-modal exchange facilities. This is an area that deserves more attention, perhaps with a focus on economic development. Future needs indicate plans for development in this area.

Ten tribes have rail identified on the reservations. Six have ports. Of those, one needs replacement, three are in poor condition, and two are in good condition. Future needs include the following: Five will need rail freight, six anticipate marine ports and seven will need airport facilities.

Regarding safety, seventeen tribes do not receive sufficient notification of hazardous material shipments through their reservations.

Security

Two tribes are heavily involved in homeland security and one of those tribes considers that the involvement is inadequate. Fifteen tribes are minimally involved, they are split evenly on whether that is adequate or not, and six tribes are not involved with homeland security.

Environmental Issues , Consultation and Permit Review

This section has two distinct functions. The first is to ascertain service levels, consultation and cooperation between WSDOT and tribal natural and cultural resource offices. The second is to evaluate the level of attention being given to environmental issues in tribal transportation plans.

There are two areas in the WSDOT Environmental Services Office; natural resources and cultural/historic resources. They have corresponding offices at each tribal government. They assure compliance with the National and State Environmental Policy Act(s), (NEPA/SEPA) to protect resources during highway construction projects. A tribe may have a Tribal Environmental Policy Act, (TEPA), that corresponds with national and state policies. The Cultural Resource Office also assures compliance with the National Historic Preservation Act, Section 106, which requires consultation with interested communities, and for the purposes of this report, with tribes. Historic, cultural and archeological preservation is extremely important to tribes and it appears that the tribes and WSDOT are generally working well together.

Regarding natural resources; nineteen of twenty-three responses scored WSDOT services as Fair (10) to good (8) to excellent (1). One tribe rated services as poor. Three tribes provided the following comments: the tribe needs funding to support project reviews (a statement commonly heard); there is a lack of communication; and, one tribe appreciated the opportunity to comment on new construction and/or maintenance on SR12.

Regarding cultural resources, seven tribes scored WSDOT services at fair (7) to good (11) to excellent (1). Eighteen tribes offered comments for service improvements: more communication...closer to the reservations...with the appropriate tribal staff; and, again, to pay for project reviews. Tribes have staff available to work with WSDOT on historical and cultural issues. They do not have the resources to volunteer their staff expertise. There are different levels of consultation across the life of a project: up front, when WSDOT seeks advice and identification of preferred alternatives, indicating if it is possible to avoid an Area of Potential Effect, (APE); and later in the permit stage, to review projects and environmental impact statements. These require special expertise and are time consuming. The state and local agencies all have permit review centers, including WSDOT Development Offices, that charge fees for the same services.

Regarding environmental issues in tribal transportation planning, although tribes maintain good records of fish, game, and water purity, these elements aren't included in most tribal transportation plans.

Eighteen tribes identified roadway fish passage barriers, thirteen have a plan to address them; and, nine tribes have fish passage barriers on the state list. Eleven tribes indicated that the state list is not applicable. Fourteen tribes have critical wildlife habitat corridors or crossings affected by the transportation system; four have included them in the transportation plan. Five tribes are in an air quality non-attainment area: Spokane Cowlitz, Makah, Yakama, and Snoqualmie.

Workforce Development, Tribal Employment Rights Ordinances - TERO

Individual Tribal Governments promote employment opportunities for their members by enacting Tribal Employment Rights Ordinances. They work to combat hiring disparities, extreme poverty and high unemployment rates on the reservations. TEA-21 recognizes the intent of the tribal laws and advises states to do the same when using federal funds to construct projects "on or near reservations". Half of the tribes who participated in the survey have Tribal Employment Rights Ordinances. Nine tribes work with WSDOT to increase employment outreach on road construction jobs. Fourteen tribes indicated that they do not experience labor union time portability problems, while six said their tribal members do.

Eighteen tribes, (75%) identified the Northwest and Alaska Tribal Technical Assistance Program as their primary organization that provides support in workforce development. They operate out of Eastern Washington University and provide training in a wide variety of transportation subjects. They make the training available at tribal locations and address issues directly to tribal concerns, from planning, funding, and construction to maintenance. The next ranked training provider (42%) is the Local Technical Assistance Program that operates out of WSDOT. They provide every kind of transportation subject and include tribes in their course notifications. Below those top two are colleges and schools (33%), labor unions (13%), and others (13%).

Categorical Data

Administrative Capacity (3-22)

Technical Expertise

- 11 planners have degrees in Urban Planning, 4 have American Institute of Certified Planners (AICP) status;
- 10 transportation planners are without the specific discipline of “Transportation Planning” which would provide the planner with some civil engineering training.

Staffing patterns

- 2 (9%) tribes are without any transportation planner available at any capacity.
- 14 (64%) tribes had less than a one-half FTE planner.
- 8 (35%) tribes have a planner with more than 50% of their time spent on transportation issues.
 - Two of these eight positions are not permanent.
- 16 (67%) tribes have a permanent transportation planner
 - Nine (56%) of the 16 permanent positions are less than a 30% FTE.
 - One (6%) permanent position is 30%-50% FTE
 - Six (38%) permanent transportation planner positions are 50% +
- 2 (9%) tribes have a full-time transportation planner.
 - Both of these positions were permanent.
- A large majority (89%) of planners are funded through BIA 638 contracts.

Impacts that lack of time/staff/dollars have on transportation programs and systems (18)

- The consensus is clearly that this is a major problem. There are coordination shortfalls and developmental impact on all fronts.
- Tribes cannot adequately develop plans and would have a problem implementing a comprehensive transportation plan when adopted.
- Lacking full time staff makes it difficult to impossible to be proactive, or to keep up with, or respond to all the relevant information.
- Other tribal programs suffer as a result of poor transportation planning and improvements. It has a huge impact on business opportunities for the Tribe. 18 tribes (75%) in question 54 stated that road conditions adversely affect tribal economy and tourism.

Long Range Transportation Plan Status (LRTP) (9-11)

- Most of the plans are reasonably current, with eighteen (75%) completed within the last 5 years. Although many of these plans are recent, the majority of the plans are not actually completed. The survey indicates that many planning items deemed crucial to the tribe are not yet included within the existing plan.
- Three plans (13%) are ten years old. Three others are six years old.

Internal Coordination (12)

- Twenty-two tribes coordinate their transportation plans with other tribal plans, for instance, comprehensive plan, housing plan, economic development and so on.

RTPO involvement (13-17)

- 18 (62%) Tribes participate in their local RTPO,
 - 16 attend meetings.
 - Eight have some influence on the Technical Advisory Committee (TAC) or Policy Board decisions.

The summary of tribes and committee membership is that

- 13 (54%) tribes do not have any membership representation at either of the RTPO committee levels.
- 11 (46%) tribes have some form of committee membership at the RTPO.
- 9 (38%) tribes have no staff time to participate.
- In conclusion it appears that however similar the various RTPO bylaws are throughout Washington State, and no matter how flexible tribal membership is managed by each RTPO; the tribes are not engaged in the process at any significant voting level.

Centennial Accord Plans

Twelve (12) tribes state that they have Centennial Accord Plans that describe their tribal/state governmental relations protocols.

DATA Collection & Tools (19-21)

- 19 (79%) tribes collect their own data and are responsible for some or all of the following: quality assurance, data reliability and consistency.
- 5 (21%) tribes rely on the BIA or consultants for data collection.

Suggestions for how data collection could be improved:

- There was a resounding need for closer coordination with State and County jurisdictions.
- Funding is needed to update traffic counts, surface assessments, seek and analyze traffic hazards and much more.
- A central repository of accident data would help tremendously in identifying dangerous road segments
- Sixteen tribes mainly use GIS for mapping as their primary use of technology.

Funding (7-8, 22)

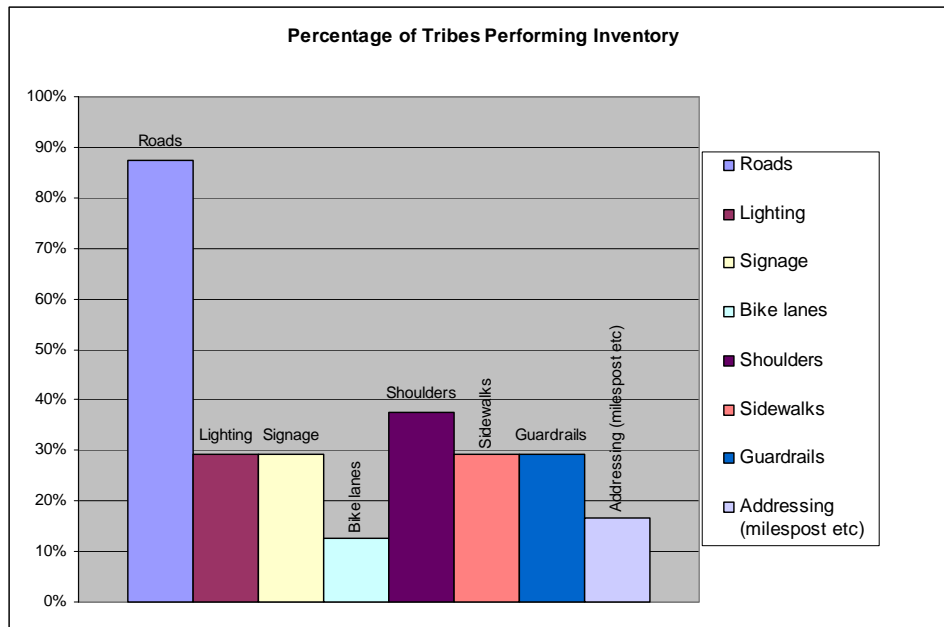
Sources of funding for the Transportation Planning Position		
BIA (638 Contract)	19	79%
Tribal Government	13	54%
N/A	1	4%
Other – details in individual forms	5	21%

- **Projects:** BIA (IRR) funding is the most significant source of funding the tribes use to develop transportation systems (projects), followed by other federal funds – special appropriations, Housing, followed by WSDOT, RTPO, and county sources.

Safety (23-46)

Tribes inventory the following eight categories of data relating to the travel way.

- 2 (8%) tribes indicated they did not inventory any of the data items.
- 8 (33 respondents %) inventory at least 4 data elements.
- 5 (21%) tribes inventory more than half the data categories.
- 2 (8%) tribes inventory all 8 data categories.
- 3 (13%) tribes did not inventory the roads.
- 3 (13%) tribes did not signify whether they inventory the road system at all.



Methods and Standards (24-26) –

- 14 tribes do apply the Manual of Uniform Traffic Control Devices (MUTCD) standards when evaluating safety features.
- 9 (38%) tribes do not identify transportation System Design Deficiencies
- 15 (63%) tribes do identify System Design Deficiencies.
 - 11 (73%) tribes performing SDD did not answer who identified problems.
 - 4 (27%) tribes had Tribal Engineers identify SDD.
 - 4 (27%) tribes identified SDD without using the MUTCD.

Top Three Priority Safety Projects (27)

1. Traffic control measures and/or roadway improvements (varied by tribe)
 - Speed control
 - Channelization
 - Signalization
 - Road reconfiguration
2. Pedestrian and bicycle or sidewalk safety issues
3. Better signage

Data Collection and Tools (28-34)

- 16 (66%) tribes have Crash Data information Available.
- 9 (38%) tribes provided numbers of crash incidents and level severity.
- Tribal police outnumber other reporting sources three to one. Followed by State and local patrols, WSDOT-Transportation Data Office, Emergency Medical Services and Indian Health.

Environmental factors that affect safety on the reservation (33-34)

- 19 (76%) tribes identified environmental safety issues.
 - Flooding is by far the leading environmental factor
 - Severe weather
 - Road bed erosion and slumping.
- 3 (12%) tribes answered there were no environmental factors that affect safety on the reservation roads.
- 3 (12%) tribes skipped this question.

Safety Programs (35-36)

Seven tribes have or use transportation safety programs for school children that are designed specifically for tribal communities:

- Seat belt safety
- Car seats,
- WSDOT Safe Routes to School
- Bicycle and pedestrian safety programs.

Speed Limit Issues (37-39)

- 9 (38%) tribes indicated a posted speed limit is too high on their primary roads.
 - SR 101 is cited frequently
 - SR 164 on the Muckleshoot Reservation
 - SR 106 on the Skokomish Reservation
 - N. Levee Road in Tacoma
 - SR 21 through Keller
 - Signal Peak on the Yakama Reservation

Tribal Transportation Improvement Plan, (TTIP) (40-42)

The collective number of projects reported to be in the TTIP is 265, 105 are concentrated among three tribes. To illustrate the variance: one tribe has one project, it is safety, it is funded; one tribe has 12 projects, six are safety and all 12 are funded; one tribe lists 35, the top 10 are safety, none are funded; one tribe has 25 projects, they are all safety and none are funded;

Numbers of projects that are partially or fully funded (42)

- 265 TTIP projects are listed on the 24 TTIP's.
- 112 projects (42%) are classified as Safety Projects.
- 35 (13%) of the 265 TTIP projects were partially or fully funded.
- 8 (33%) tribes had 1 project partially or fully funded.
- 5 (21%) tribes had more than 1 project partially or fully funded.
- 1 tribe acknowledged zero TTIP projects.

Reservation Access, Primary Roads (43-46) –

- 7 (29%) Tribes have only one access road, of those:
 - 4 (59%) experienced closures
 - 3 (75%) of those are chronic
- 14 (58%) tribes have experienced access closures, of those:
 - 7 (50%) closures are not addressed in transportation plans.
 - 3 (21%) chronic closures are not addressed in transportation plans.
- 16 (67%) Tribes have more than 1 access road to the reservation, of those:
 - 10 (42%) have experienced closures, and of those:
 - 6 are chronic closures
- 6 (25%) Tribes have never experienced access closures

Economy and Tourism (47-61)

Modes (47-49, 58-60)

- 7 (29%) Tribes identified ferry terminal proximity to the reservation.
- 2 (8%) tribes have their own ferries
- 0 zero (0%) Tribes track the travel mode of tourists visiting the reservation.

Bicycle Paths (58-60)

- 5 (21%) tribes have a total of 11.9 miles of bike paths collectively.
The tribes are: Jamestown, Port Gamble and Lower Elwha Klallam, and the Kalispel.
- 8 (33%) tribes plan on establishing and/or expanding their bike paths.
Additional tribes are Quinault, Swinomish, Skokomish, Colville and Squaxin.

Tourism and Economic Partners (50-52)

Given the opportunity to check all that applied, tribes participate in the following types of travel guides and brochures:

- 11 (50%) state
- 10 (45.5%) local
- 8 (36%) regional
- 5 (27%) independent tribal
- 1 (4.5%) International
- 1 (4.5%) national
- 7 (31.8%) none

Chambers of Commerce

The Makah tribe is starting a Chamber of Commerce for Neah Bay, otherwise 10 tribes participate in their local Chambers of Commerce:

Spokane	Cowlitz
Jamestown S'Klallam	Lower Elwha Klallam
Quileute	Colville Confederated Tribes
Stillaguamish	Snoqualmie
Squaxin Island	Port Gamble S'Klallam.

Transportation Infrastructure and Tribal Economics (53-55)

- 18 (75%) tribes stated that their economy requires transportation infrastructure improvements and that road conditions on the reservation adversely affect tribal economy and tourism development. The following items were cited repeatedly:

Appropriate and good roads are needed to get to the tourism sites	Bridge replacement, structural failure
Better safety, capacity and level of service	Narrow roads, poor maintenance, lighting, flooding
Can not get from one village to another	Business Park(s) must have suitable roads (cited several times)
Remote locations	Winter flooding, bad surfaces, lack of signage
Road closures prevent vehicular traffic	1500 cars pass daily over 1.6 acres tribal center
Limited alternatives, one major road restricts tourist access	Business park road is below standard

- 5 (21%) tribes stated there was no adverse impact to the economy based on road conditions.

- 3 (13%) tribes stated that the tribal economy does not require any infrastructure improvements.

Scenic Byways (56-57)

- 8 (34%) of 24 tribes have Scenic Byways including Makah with their own tribal scenic byway. One tribe didn't know, and another answered "no", but that conflicts with known scenic byways on state maps on that reservation.

Right of Way Challenges (61)

The tribe's most significant challenges in establishing right of way are as follows:

Numerous owners (allotments)	Bureau of Indian Affairs regulations (6)
Funds to purchase (6)	Convincing other jurisdictions (2)
Unresolved legal issues	No more areas to expand
Needing current appraisals	Original ROW too narrow and now is developed

Public Transportation (62-67)

Service Available

- 15 (63%) tribes have some form of public transit on the reservation.
- 8 (34.8%) tribes do not have any form of public transit on the reservation.
- 21 (88%) tribal communities have public transit available near the reservation, however
 - 6 (29%) of these public transit operations do not continue service onto the reservation itself.
 - 2 tribes do not have public transportation services near the reservation.

Demand for services

- 19 (86%) tribes need more public transit services.
- 3 (13%) Tribes said the tribe did not need more public transit services.

Public Transportation Funding

- 18 tribes have not received funding through WSDOT for public transportation.
- 6 tribes have received WSDOT public transportation funding.

Park and Ride Services:

- 21 tribes do not have park and ride services on the reservation.
- 2 tribes do have park and ride services on the reservation.

Note: Some questions did not apply to three recently recognized tribes that do not have reservations.

Special Needs, Moving a Growing Population (83-87)

- 19 (79%) tribes identified their top ranking ADA needs
 - Sidewalks, with cuts
 - Transit services
 - Signage, lighting, and striping.
- 14 tribes do not have a plan to address these needs
- 7 tribes have a plan to address needs.
- 3 tribes did not answer the question

Public Transit (85-86)

- 15 (63%) Tribes offer some form of public transit.
 - 7 (47%) of the tribal public transportation systems are ADA equipped.
 - 6 (40%) of the tribal transportation systems are not ADA equipped.

- 8 (53%) of the respondents indicated that this is not applicable.

Dial-A- Ride Services

- 10 (42%) tribes have a “dial-a-ride” program on the reservation.
- 13 (54%) of the tribes do not provide “dial-a-ride” services.

System Preservation (68-75)

Road Inventory (68-71)

Tribal community trip generators ranked in order of frequency cited:

1. Tribal Centers (14)
2. Health Clinics (7)
3. Commercial Centers (7)
4. Casinos (6)
5. Residential Areas (4)
6. Schools, resorts and ports (1 each)

Drainage System Deficiencies (69) and Plans for Improvements (70)

- 20 Tribes responded to this question
 - 17 (85%) tribes identified at least one significant drainage deficiency.
 - 9 (45%) tribes have plans to address the need.
 - 11 (55%) do not have a plan to address the problem.
- 4 tribes did not address the issue

Gaps in the Maintenance Data Collection System (71)

- 15 (63%) identified missing sign inventory information.
- 15 (63%) identified missing drainage information.
- 12 (50%) identified missing road condition rating information.
- 2 (8%) did not identify missing data collection requirements to adequately track maintenance.

Management Plans & Programs (73)

- 13 (54%) tribes have no plans to implement any required management system.
- 11 (46%) tribes plan to implement at least one required management system.

9 Tribes (38%)	Pavement
8 Tribes (33%)	Bridge
11 Tribes (46%)	Safety
2 Tribes (8%)	Congestion

Equipment Needs (72)

- 2 (8%) indicate that other jurisdictions provide services.
- 4 (17%) replied “need everything”
- 20 (83%) identified at least one equipment need

backhoe (4)	Motor grader	vacuum sweeper (3)
tractor	side-arm mower	pedestrian pathway paving equipment
front end loader (2)	dump truck w/plow (3)	brusher
grader (2)	excavator	chip spreader
roller	water truck	vehicles
traffic counters		

Partnership Opportunities (74-75)

- 13 (54%) tribes stated “yes” that the state and local jurisdictions maintain the same level of service on and off the reservation.
- 10 tribes said “no”, 9 tribes described differences in levels of service:
 - County projects stop at reservation boundary
 - County does not do work on reservation
 - County must be notified for attention, the only time attention is given is when county needs something from the tribe
 - Safety improvements are not as robust as off reservation
 - Shoulder width is not the same
 - County does not, but state does
 - No state or county roads on reservation
 - County lacks funds and Indian people don’t complain
 - Some tribal roads get only occasional patch-work, off-reservation roads have more maintenance and improvements routinely.

Non-motorized Transportation (76-82)**The following non-motorized transportation services are available or are needed:**

- 10 (42%) tribes did not indicate any non-motorized system available.
- 11 (46%) tribes have sidewalks available
 - 8 (73%) with sidewalks said more sidewalks are needed.
- 7 (29%) have bike lanes and/or paths.
- 2 (8%) mentioned equestrian trails are available.
- 1 (4%) listed a river as a non-motorized facility.

Non-motorized Transportation Facility Needs

1. Pedestrian paths and sidewalks (20)
2. Bike paths and trails (9)
3. Trail systems (7)
4. Equestrian corrals and trails set aside for cultural uses (1)

Condition of Non-Motorized Transportation facilities (79)

- 10 (42%) tribes report their facilities are in unsound condition.
 - a. 8 (80%) do not have a plan to fix maintenance problems.
 - b. 2 (20%) have a maintenance plan to remedy condition
- 8 (28%) Tribes have non-motorized transportation facilities in sound condition.
- 6 (25%) tribes did not answer condition of non-motorized facilities.

Maintenance Plans

- 2 (8%) tribes have maintenance plans for non-motorized facilities.
- 4 (17%) tribes do not have a maintenance plan.
- 2 (8%) did not answer any of these questions.

Quality of life issues

- 19 (79%) tribes believe they can reduce injuries, fatalities and risk with non-motorized transportation improvements.
- 17 (71%) tribes believe that the quality of life will improve on the reservation with increased non-motorized transportation.
- 15 (63%) tribes do not have plans that address needed improvements

Building Communities (88-102)**Planning and Partnerships (88-93)**

- 18 (75%) tribes share transportation plans with neighboring communities.
- 18 (75%) neighboring communities share their transportation plans with tribes.
- 8 (33%) Tribes indicated adjacent jurisdictions consulted with the tribe in the establishment of Level of Service standards for their roads on the reservation.
- 9 (38%) Tribes have not consulted with the adjacent jurisdictions but have included growth projections and recreation into their LRTP.

RTPO involvement (13-17) (copied from section one)

- 18 (75%) Tribes participate in their local RTPO, 16 attend meetings.
- Eight of those tribes state they influence the Technical Advisory Committee (TAC) or Policy Board decisions.
- 11 (46%) tribes have some form of committee membership at the RTPO.
- 13 tribes (54%) do not have any membership representation at either of the RTPO committee levels.
- 9 tribes (38%) have no staff time to participate.

Funding Cooperation (98-99)

- 9 (37%) tribes are not using Indian Reservation Roads (IRR) or Housing & Urban Development (HUD) funds to leverage local match.
- 12 (50%) respondents have used IRR funds as a local match.
- 10 (42%) respondents have used HUD funds as a local match.

Growth Projection and Recreation included in Plan (93-95)

- 12 (50%) Tribes have growth projections included in the tribal transportation planning studies.
- 12 (50%) Tribes have included recreation in the tribal transportation plan.

Multimodal (96-97)

- 5 (21%) tribes have multi-modal facilities on the reservation.
 - 3 (60%) have pedestrian pathways at the multi-modal facility.
- 4 (17%) tribes have pedestrian pathways to the "local" multi-modal facility.
 - 1 of these multi-modal facilities is located off-reservation.

Highway Capacity Improvement Needs (100)

22 (92%) tribes had one or more Highway Capacity Improvement Need identified. Collectively, improvements are listed in order of frequency:

- Top priority is overwhelmingly system preservation (20 counts)
- Traffic control measures and/or roadway improvements:
 - Lighting, signage, speed bumps, speed reduction (9)
 - Pedestrian and bicycle or sidewalk and cross walks (5)
- New construction (6) (list of projects available)
- Bridge replacement (2)

Congestion (101-102) “Choke points “

- 6 respondents (25%) identified a congestion area on the reservation.

Yakama	the agency building in Toppenish
Puyallup	Port areas, near tribal lands in undeveloped areas
Makah	Bayview Avenue in the summer
Lummi	Haxton Way & Slater Road
Jamestown	Seven Cedars Casino on SR 101
Muckleshoot	Through out SR 164

Freight (103-111)**Rail (103-105)**

- 10 tribes (42%) have rail identified on their reservations.

Cowlitz	Burlington Northern
Quinalt	Abandoned logging rail lines- ideal for rails to trails
Swinomish	Burlington Northern
Puyallup	BNSF UPRR Tacoma Rail
Kalispel	Pend Oreille Valley Railroad
Nooksack	Burlington Northern
Colville Confederated Tribes	BNSF Okanogan River
Yakama	Private Yakima County
Snoqualmie	Northern Pacific
Squaxin Island Tribe	Private railroad line

Ports (107-109)

- 6 (25%) tribes have ports on the reservation.
 - 1 (17%) needs replacement (Omak)
 - 3 (50%) are poor (Ocean Shores, Whatcom Ferry, Quilieuete)
 - 2 (33%) are in good condition (Neah Bay, Port of Tacoma)

Multi-modal (111)

Note: Less than half of the tribes have ports, rail service, ferry system available or any multi-modal exchange facilities. This is an area that deserves more study, perhaps with a focus on economic development, and to include trucking. Future needs indicate plans for development in this area.

Future Needs (110)

Tribes identified the following future freight infrastructure facility needs:

- 5 (21%) tribes plan on some rail freight needs
- 6 (25%) tribes anticipate marine
- 7 (29%) tribes will require air facilities

Safety (106)

- 17 (71%) tribes do not receive sufficient notification of hazardous materials shipments through their reservations.
- 2 (8%) receive sufficient notification of hazardous materials shipments through their reservations: Jamestown S'Klallam Tribe and Puyallup Tribe of Indians.

Security (112-114)

Homeland Security Involvement (112, 114)

- 2 (8%) tribes are heavily involved in homeland security
 - 1 of those tribes states the involvement is not adequate.
- 15 tribes (63%) are minimally involved.
 - 6 (40%) are not adequately involved.
 - 6 (40%) are adequately involved.
 - 3 (20%) did not state involvement standing.
- 6 tribes (25%) are not involved with homeland security.

Environmental Issues, Consultation, Project Reviews (115-124)

Level of Service & Cooperation from WSDOT Natural Resources Office

- 23 (96%) tribes answered this question
 - 1 (4%) Excellent
 - 8 (35%) Good
 - 10 (43%) Fair
 - 1 (4%) Poor
 - 3 (13%) tribes = provided comments

Cowlitz Indian Tribe	NEPA/SEPA Reviews are only beginning. (recently recognized tribe) No state cooperation with funding for project reviews
Confederated Tribes of the Chehalis Reservation	WSDOT provided an opportunity to respond to new construction and/or maintenance on SR 12
Hoh Tribe	Lack of communication

Level of Service & Cooperation from WSDOT Cultural Resources Office (127-128)

- 1 (4%) Excellent
- 11 (46%) Good
- 7 (29%) Fair
- 0 (0%) Poor
- 18 tribes = provided comments for improvement of services

more communication	come meet with tribal cultural staff
annual meetings to discuss common concerns	funding well in advance of WSDOT projects
host meetings closer to reservations	partner with tribe during research and development of analysis and field studies
Provide more meetings prior to contract work	Communicate at front end of projects
Enforce standards on counties, appear to be double standards	Tribes need funding to bolster Cultural Resources staff to monitor and consult
Work directly with THPO, coordinate through planner	

Staffing –Administrative Capacity at the Tribe in cultural resources

- 22 (92%) tribes have a THPO and/or cultural resources staff available.
- 9 (38%) tribes have a Tribal Historic Preservation Officer (THPO).
- 16 (67%) tribes have cultural resource staff that can work with WSDOT on Section 106 compliance.

Fish passage (117-119)

- 18 tribes (75%) have identified roadway fish passage barriers.
- 13 tribes (54%) have a plan to address these barriers.
- 9 tribes (38%) have fish passage barriers on the state list.

- 11 tribes (47%) indicate that the state list is not applicable

Wildlife Habitat - Planning (123-124)

- 14 tribes (58%) have critical wildlife habitat corridors or crossings affected by the transportation system.
- 4 (17%) have included wildlife habitat corridors in the transportation plan.
- 11 (46%) have not considered these habitats in the transportation plan.
- 7 (29%) consider it not applicable

Non-attainment Area for Air Quality (120)

- 5 tribes (21%) are in an air quality non-attainment area:
Spokane, Cowlitz, Makah, Yakama, and Snoqualmie

Workforce Development (129-132)**The tribes utilize the following support organizations (129)**

- 18 (75%) Tribal Technical Assistance Programs TTAP
- 10 (42%) Local Technical Assistance Program LTAP
- 8 (33%) Colleges and schools
- 3 (13%) Labor Unions
- 3 (13%) Other

Tribal Employment Rights Ordinance (130)

- 12 (50%) tribes have TERO ordinances.
- 11 (46%) do not have TERO ordinances.

Partnership opportunities with WSDOT (131)

- 9 tribes (38%) work with WSDOT to increase employment outreach.
- 11 (46%) do not work with WSDOT to increase employment outreach.

Have Tribal member's experienced Union Portability problems (132)

- 14 (58%) indicate that tribal members have not experienced portability challenges.
- 6 tribes (25%) have tribal members that experienced labor union time portability challenges.